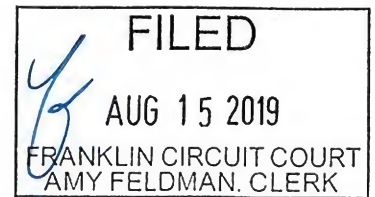


COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION I
CASE NO. 19-CI- 844



JENEAN M. HAMPTON, in her official capacity as
the Lieutenant Governor of the Commonwealth of Kentucky

PLAINTIFF

VERIFIED COMPLAINT FOR DECLARATION OF RIGHTS
v. and
FOR PERMANENT INJUNCTION

MATTHEW G. BEVIN, in his official capacity as
Governor of the Commonwealth of Kentucky
Serve: Office of the Attorney General
The Capitol Building
700 Capital Avenue, Suite 118
Frankfort, KY 40601

and

PERSONNEL CABINET
Serve: Office of the Attorney General
The Capitol Building
700 Capital Avenue, Suite 118
Frankfort, KY 40601

DEFENDANTS

Comes now the Plaintiff, Jenean M. Hampton, in her official capacity as the Lieutenant Governor of the Commonwealth of Kentucky ("Hampton"), by and through the undersigned counsel, and brings her Complaint against Matthew G. Bevin, in his official capacity as the Governor of Kentucky ("Bevin"), and against the Personnel Cabinet, for a declaration of rights and for a permanent injunction. An Order from this Court is necessary to declare that Hampton,

as a constitutionally-elected Officer of this Commonwealth, is empowered by the law of this Commonwealth to appoint staff to her office, and to enjoin the Defendants from interfering with her appointment power.

INTRODUCTION

1. Hampton brings this Complaint for a Declaration of Rights and for Permanent Injunction pursuant to KRS 418.040 *et seq.* and Kentucky Rules of Civil Procedure (“CR”) 57 and 65.
2. KRS 418.040 provides this Court with authority when a controversy exists to “make a binding declaration of rights, whether or not consequential relief is or could be asked.” An actual and justiciable controversy concerning violations of Kentucky law clearly exists in this action.
3. Hampton is the duly-elected Lieutenant Governor of the Commonwealth of Kentucky and is a Constitutional Officer of this Commonwealth.
4. Bevin is the duly-elected Governor of the Commonwealth of Kentucky, is a Constitutional Officer and the chief executive officer of the Commonwealth.
5. The Personnel Cabinet is a cabinet created pursuant to KRS Chapter 18A, and is (through its departments) charged with certain responsibilities under that Chapter, including, *inter alia*, payroll, records, classification, and compensation (including wages and employment benefits) of state employees, the processing of personnel documents and position actions.
6. Pursuant to KRS §§ 23A.010 and 418.040, and CR 57 and 65, this Court has jurisdiction to grant the relief requested by Hampton in this Action.
7. Venue is proper in this Court pursuant to KRS 452.405, since the primary office of the Governor is located in Franklin County, and because this action generally relates to

violations of Kentucky law that were determined or accomplished in Franklin County, Kentucky.

STATEMENT OF FACTS

8. Bevin and Hampton were duly elected to their respective offices on November 3, 2015.
9. In preparation for her inauguration and the assumption of the duties and responsibilities of her office, on or about December 3, 2015, Hampton interviewed Stephen L. Knipper (“Knipper”) for the position of Chief of Staff for the Lieutenant Governor. On or about that same date, Hampton also interviewed Adrienne Gilbert (now Adrienne Southworth; hereinafter “Southworth”) for the position of Deputy Chief of Staff for the Lieutenant Governor.
10. Hampton took the oath of her office on December 8, 2015, and thereupon assumed the responsibilities of her office.

Knipper’s Appointment and Putative Termination

11. On or about December 3, 2015, Hampton offered the position of Chief of Staff for the Lieutenant Governor to Knipper, which offer was accepted by Knipper.
12. On or about December 8, 2015, Knipper’s appointment was fully processed by the Personnel Cabinet, as evidenced by a “Personnel Action Notification” attached as Exhibit 1. That document expressly assigned Knipper to Agency Code 31085, which is that of the Lieutenant Governor, which is also indicated on the Personnel Action Notification. Said document also indicates Knipper’s start date to be December 8, 2015.

13. On or about January 29, 2019, Knipper was notified in a letter signed by Troy Robinson (“Robinson”) that Knipper’s employment in the Lieutenant Governor’s Office was terminated. A copy of that letter is attached as Exhibit 2. Said letter indicates on its face that Knipper’s termination was “without cause.”
14. Despite language in the January 29, 2019 letter from Robinson indicating that Knipper was terminated “without cause,” as recently as August 9, 2019, Bevin has personally made public comments indicating that Knipper was terminated because Knipper “thought the rules didn’t apply to him.”
15. The only “policy” which Knipper is alleged to have violated is in the form of a November 5, 2018 email from Mary Elizabeth Bailey in the Personnel Cabinet. That email is attached as Exhibit 3. That email indicates that the “policy” applies to “governor appointed, non-merit employee[s].” (Emphasis added.)
16. In fact, no policy relative to the subject matter of the November 5, 2018 email was ever formalized. In any event, Hampton was neither consulted on the “policy” nor did she agree with it or consent to it. Further, Hampton was never so much as provided a copy of the “policy.”
17. On January 29, 2019, immediately after learning that Knipper had received notice of termination, Hampton expressly re-appointed Knipper as her Chief of Staff and caused notice of that re-appointment to be recorded in the records of the Secretary of State. *See* Exhibit 4.
18. Despite having received notice of Hampton’s January 29, 2019 re-appointment of Knipper, the Personnel Cabinet refused to take action on Knipper’s re-appointment.

Southworth's Appointment and Putative Termination

19. On or about December 3, 2015, Hampton offered the position of Deputy Chief of Staff for the Lieutenant Governor to Southworth, which offer was accepted.
20. Southworth began employment for the Lieutenant Governor on December 14, 2015, and her appointment was fully processed by the Personnel Cabinet, as evidenced by a "Personnel Action Notification" attached as Exhibit 5. That document expressly assigned Southworth to Agency Code 31085, which is that of the Lieutenant Governor, which is also indicated on the Personnel Action Notification.
21. On or about May 30, 2019, Southworth was notified that her employment in the Lieutenant Governor's Office was terminated. Like Knipper, Southworth was so notified in the form of a letter from Robinson, and that her termination was "without cause." Said letter is attached as Exhibit 6.
22. Immediately upon learning of the May 30, 2019 Letter from Robinson, Hampton sent an email to Thomas B. Stephens, Secretary of the Personnel Cabinet, insisting in no uncertain terms that "NO ONE has authority to terminate employment of my staffers without my permission," (emphasis in original), and requesting her immediate reinstatement. Said email is included in a thread attached as Exhibit 7.
23. Stephens responded on the next day, May 31, 2019, defending Robinson's authority to terminate Southworth, and did not reinstate or re-appoint Southworth. *See* Exhibit 7.
24. Also on May 31, 2019, Hampton sent a letter to Robinson, stating that she "did not advise or authorize [him] to terminate employment of Ms. Southworth," and "directing [him] to reinstate Ms. Southworth immediately, effective May 31, 2019." Said letter is attached as Exhibit 8.

25. Hampton also sent emails to Robinson on June 5 and July 1, 2019, attached as Exhibits 9 and 10. No response to these communications was received by Hampton.
26. Despite the contrary claim in the May 31, 2019 Robinson letter, Bevin's Chief of Staff, Blake Brickman, later publicly commented that he had authorized Robinson to terminate Southworth's employment due to alleged "poor judgment."

Other Relevant Facts

27. Robinson took action to terminate Knipper's and Southworth's employment under the auspices of a Signature Authorization Form signed by Bevin on December 8, 2015, putatively delegating authority to Robinson to, among other things, "Sign Notices of Separations (Dismissals)" for agency code 31-085 (the Lieutenant Governor's Office). The Signature Authorization Form is attached as Exhibit 11.
28. Bevin never had authority to appoint personnel to the Lieutenant Governor's Office—or to remove them therefrom—and thus could not have delegated to Robinson authority which he did not possess.
29. Hampton never delegated any authority to Robinson.
30. Knipper and Southworth have both appealed their terminations to the Personnel Board. Despite any commonality of factual bases for said Appeals to the Personnel Board and this Action, this Action is a separate Action initiated by the Lieutenant Governor and the specific determinations of the Personnel Board are not the subject of this Action.
31. The Personnel Cabinet has received actual notice of Hampton's re-appointments of Knipper and Southworth. Despite this knowledge, the Personnel Cabinet has refused to process their appointments and ensure their receipt of wages and employment benefits.

COUNT I
Complaint for Declaratory Judgment

32. Hampton restates and incorporates by reference each and every allegation previously set forth herein.
33. Bevin, either personally (but in his official capacity) or by and through persons acting on his behalf have repeatedly argued that Knipper and Southworth were appointed to their respective positions by the Governor pursuant to KRS 11.040. KRS 11.040 provides in relevant part that: “The Governor may appoint such persons as he deems necessary for the proper operation of his office[.]” (Emphasis added.)
34. The constitutional offices of the Governor and that of the Lieutenant Governor are separate and distinct offices, as made abundantly clear by the law of this Commonwealth, including, without limitation, Kentucky Constitution §§ 70, 73, 74, 85, and 95.
35. In fact, Hampton, as the Lieutenant Governor, interviewed, hired, and appointed Knipper and Hampton to their respective positions of employment within the Lieutenant Governor’s Office.
36. KRS 12.020 designates the Lieutenant Governor as a “department” separate and distinct from the Governor.
37. Read in its entirety, KRS 12.020 provides that the Lieutenant Governor—as the constitutionally elected officer heading her office—has authority over her personnel.
38. KRS 12.040(1) provides that: “The heads of departments shall have direction and control of their respective departments, and through their departments shall exercise the powers and perform the duties vested in the departments under their direction and control.” (Emphasis added.)

39. KRS 12.040(4) provides that: “The heads of all departments shall exercise supervision over the personnel...of their respective departments.” (Emphasis added.)
40. KRS 12.060 provides that “The appointment of all employees not otherwise provided for shall be made by the heads of the departments.” There are no provisions elsewhere in the laws of this Commonwealth which authorize any person other than the Lieutenant Governor to appoint officers and employees to the Lieutenant Governor’s Office.
41. An actual and justiciable controversy exists among the parties as to whether the Lieutenant Governor may appoint employees to her department without interference from the Governor or the Personnel Cabinet.
42. Hampton, as Lieutenant Governor, is entitled to a declaratory judgment that:
- a. the Lieutenant Governor is the proper appointing authority (including, without limitation, under KRS Chapter 18A) for employees of the Lieutenant Governor’s Office, without interference from the Governor or any other person;
 - b. employees of the Lieutenant Governor who are exempt from classified service under KRS Chapter 18A serve at the will of the Lieutenant Governor;
 - c. even if it exists, no putative “policy” adopted by the Governor may unilaterally bind the Lieutenant Governor relative to the appointment and/or continued employment of persons appointed by her to serve in her office;
 - d. that the “termination” of officers and employees of the Lieutenant Governor by the Governor (or persons acting under his authority) and without her consent is wholly and legally ineffective; or, in the alternative, that even if the putative “termination” of Knipper and Southworth was effective, that Hampton effectively re-appointed them to their positions in her office on January 29, 2019 and May 30, 2019, respectively; and

- e. that the Personnel Cabinet may not fail or refuse to process the appointment of officers and employees appointed by the Lieutenant Governor to her staff.

COUNT II
Permanent Injunction

- 43. Hampton restates and incorporates by reference each and every allegation previously set forth herein.
- 44. Hampton has been elected by the citizens of Kentucky to serve a specified and finite term of office which will expire on December 10, 2019. As the Lieutenant Governor, Hampton has responsibilities imposed upon her by the Constitution and by other laws of this Commonwealth.
- 45. Because she has been wrongfully deprived of her lawful authority to appoint staff and employees of her choosing to her department, Hampton has suffered, and continues to suffer, unique damages in the form of a deprivation of the lawful rights, authority, and privileges attendant to her office.
- 46. Hampton's rights as the Lieutenant Governor have been violated, and are being violated by the Defendants, and she has suffered, and will continue to suffer, immediate and irreparable injury, loss, or damage for which there is no adequate remedy at law.
- 47. To the extent that Defendants' unlawful actions have prevented Hampton from exercising the rights, authority, and privileges attended to her constitutional office, said unlawful actions constitute a *de facto* attempt to partially remove Hampton from her duly-elected position as the Lieutenant Governor of this Commonwealth.
- 48. Hampton is entitled to a permanent injunction pursuant to CR 65.02 which binds Defendants by:

- a. Ordering the Personnel Cabinet to process the appointment of such officers and employees as the Lieutenant Governor has appointed, and may appoint in the future, to her staff, forthwith; and;
 - b. Enjoining the Governor, or any person acting under his authority, from limiting, attempting to terminate, or in any way interfering with the Lieutenant Governor's appointment of officers and employees to her staff.
49. Hampton is further entitled to an immediate temporary injunction binding the Defendants as set forth in the immediately-preceding Paragraph herein.

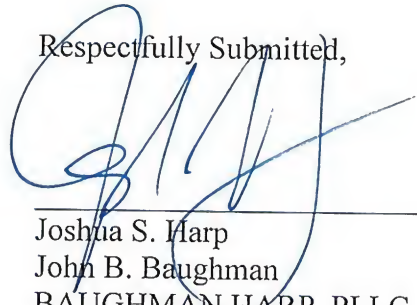
WHEREFORE, Jenean M. Hampton, Lieutenant Governor of the Commonwealth of Kentucky, respectfully demands judgment as follows:

1. For a declaratory judgment that:
 - a. the Lieutenant Governor is the proper appointing authority (including, without limitation, under KRS Chapter 18A) for employees of the Lieutenant Governor's Office, without interference from the Governor or any other person;
 - b. employees of the Lieutenant Governor who are exempt from classified service under KRS Chapter 18A serve at the will of the Lieutenant Governor;
 - c. even if it exists, no putative "policy" adopted by the Governor may bind the Lieutenant Governor relative to the appointment and/or continued employment of her employees;
 - d. that the attempted termination of officers and employees of the Lieutenant Governor by the Governor (or persons acting under his authority) and without her consent is wholly and legally ineffective and *ultra vires*; or, in the alternative, that even if the

putative “termination” of Knipper and Southworth was effective, that Hampton effectively re-appointed them to their positions in her office on January 29, 2019 and May 30, 2019, respectively; and

- e. that the Personnel Cabinet may not fail or refuse to process the appointment of officers and employees appointed by the Lieutenant Governor to her staff;
2. For a temporary and permanent injunction, which binds Defendants by:
- a. Ordering the Personnel Cabinet to process the appointment of such officers and employees as the Lieutenant Governor has appointed, and may appoint in the future, to her staff, forthwith; and
 - b. Enjoining the Governor, or any person acting under his authority, from limiting, attempting to terminate, or in any way interfering with the Lieutenant Governor’s appointment of officers and employees to her staff; and
3. For any other relief to which she may appear entitled, including her attorney’s fees and costs.

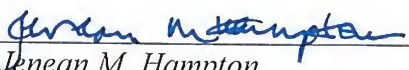
Respectfully Submitted,



Joshua S. Harp
John B. Baughman
BAUGHMAN HARP, PLLC
401 West Main Street
Suite 1
Frankfort, KY 40601
Ph: 502-227-2271
Fx: 502-352-2936
*Counsel for Lieutenant Governor
Jenean M. Hampton, Plaintiff*

VERIFICATION

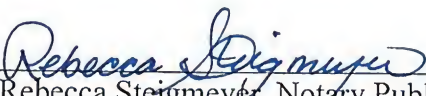
I, Jenean M. Hampton, the Plaintiff herein, being first duly sworn, do hereby state that I have read the foregoing Complaint, and that the factual averments contained therein are true and correct to the best of my knowledge, information, and belief.



Jenean M. Hampton,
Lieutenant Governor, Plaintiff

COMMONWEALTH OF KENTUCKY)
)
FRANKLIN COUNTY)

Subscribed and sworn to before me by Jenean M. Hampton, Lieutenant Governor, to me personally known, on this the 15 day of August, 2019.



Rebecca Steigmeyer, Notary Public
Notary registration no. 618886

My commission expires March 8, 2023.





Personnel Action Notification

Stephen L Knipper
1480 Shirepeak Way
Independence, KY 41051

Employee ID:WSX0040

Personnel ID: [Redacted]

Agency Code: 31085
Cabinet: General Government Cabinet
Agency: Lieutenant Governor
Division: Chief Assistant

Dear Stephen Knipper,

Upon the recommendation of your appointing authority, on December 08, 2015 the Personnel Cabinet processed the following action(s) in KHRIS:

<u>Start Date</u>	<u>Action Type</u>
December 08, 2015	Z1 Appointment - 01 Appointment

FROM		TO	
Job Id:	00000000	Job Id:	20000220
Job Title:		Job Title:	Chief of Staff
Pos Id:	00000000	Pos Id:	30007254
Salary:	0.000	Salary:	7,500.00
Org Id:	00000000	Org Id:	10101555
Org Unit:		Org Unit:	Chief Assistant
Pay Grade:		Pay Grade:	00
Work County:		Work County:	037

Remarks: APPOINTMENT

* If any of the above information is incorrect, please contact your agency human resources office.





Matthew G. Bevin
Governor

Commonwealth of Kentucky
Finance and Administration Cabinet
OFFICE OF ADMINISTRATIVE SERVICES
Room 183, Capitol Annex
702 Capital Avenue, Frankfort, KY 40601
(502) 564-0410 / (502) 330-9221 mobile
Facsimile (502) 564-4279
Troy.Robinson@ky.gov

William M. Landrum III
Secretary

Troy Robinson
Executive Director

31-085 30007254
Knipper, Stephen
349749
1/30/19

January 29, 2019

[Social Security Number redacted]

Stephen L. Knipper
1480 Shirepeak Way
Independence, KY 41051-7425

Personnel Number: 349749

Dear Mr. Knipper;

Please be advised that effective close of business today, January 29, 2019, your services as a Chief of Staff within the Lieutenant Governor's Office are no longer needed.

This action is being taken without cause; therefore, you do not have the right to appeal this action to the Kentucky Personnel Board. However, KRS 18A.095 provides that you may file a claim of discrimination with the Kentucky Personnel Board if you believe the action was based on unlawful discrimination. In accordance with KRS 18A.095, any claim of discrimination must be filed within thirty (30) days, excluding the date notification is sent. Such appeal must be filed in writing using the attached appeal form and in the manner prescribed on the form.

You will receive separate notice of your rights with respect to maintaining insurance coverage.

Respectfully,

Troy Robinson
Appointing Authority

Attachment: Appeal Form

C: Thomas Stephens, Secretary, Personnel Cabinet
Personnel File



From: Bailey, Mary Elizabeth (PERS)

Sent: Monday, November 05, 2018 3:36 PM


To: Crystal L. Simpson <crystal.l.simpson10.nfg@mail.mil>; Ostroske, John J (KDVA) <John.Ostroske@ky.gov>; Rich, Stephanie S (CED) <stephanies.rich@ky.gov>; Perry, Stacy M (Finance OAS) <stacym.perry@ky.gov>; Robinson, Troy (Finance OAS) <Troy.Robinson@ky.gov>; Robinson, Marlane (KRS) <marlane.robinson@kyret.ky.gov>; Judy, Misty D (FW) <Misty.Judy@ky.gov>; Estep, Shawn T (PARKS) <shawnt.estep@ky.gov>; Yeast, Tiffany N (Education Cabinet) <Tiffany.Yeast@ky.gov>; McGowan-McNear, Lynn - Director, Division of Resource Management <lynn.mcgowan-mcneal@education.ky.gov>; Straw, Tresa S (CHFS Office of the Secretary) <tresa.straw@ky.gov>; Gillis, Lynn K (CHFS OHRM DHRA) <LKeeling@ky.gov>; Barnes, Michele L (Justice) <Michele.Barnes@ky.gov>; Lawrence, Tanya R (PERS) <TanyaR.Lawrence@ky.gov>; Carnes, Anya M (PPC) <anya.carnes@ky.gov>; Dooley, David B (EEC) <David.Dooley@ky.gov>; Hockensmith, Nina (EEC) <Nina.Hockensmith@ky.gov>; Parris, Jolene J (KYTC) <Jolene.Parris@ky.gov>; Parrish, Melinda (DLG) <Melinda.Parrish@ky.gov>
Cc: Stephens, Thomas (PERS) <ThomasB.Stephens@ky.gov>; Bilby, Lesley A (PERS) <Lesley.Bilby@ky.gov>; Holbrook, Rosemary (PERS) <RosemaryG.Holbrook@ky.gov>
Subject: Information for potential candidates in 2019 elections

Good afternoon,

As candidate filing begins on November 7, if you have a governor appointed, non-merit employee who is considering running for a partisan office in the 2019 elections, please be advised that it is this administration's policy that the employee must provide notice of resignation contemporaneously with his or her filing. This policy will ensure compliance with all ethics requirements and avoid any appearance of impropriety. Please direct any questions to Rosemary Holbrook, General Counsel.

Thank you,

Mary Elizabeth Bailey
Commissioner
Department of Human Resources Administration
Kentucky Personnel Cabinet

 **PURPOSE** *Connecting People to Purpose*
501 High Street | Frankfort, KY 40601
Office 502.564.7571 | marye.bailey@ky.gov





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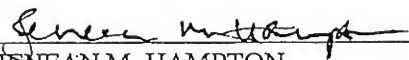
Jenean M. Hampton
LIEUTENANT GOVERNOR

January 29, 2019

Secretary of State
Frankfort
Kentucky

By virtue of the power vested in me, recognized by Section 12.020 of the Kentucky Revised Statutes, I, Jenean M. Hampton, Lieutenant Governor of the Commonwealth of Kentucky, do hereby appoint Stephen Knipper, of Independence, Kentucky, as my Chief of Staff.

Please issue a Commission to him.


JENEAN M. HAMPTON
Lieutenant Governor


ALISON LUNDERGAN GRIMES
Secretary of State

RECEIVED AND FILED
DATE 1/29/19
4:44 PM
ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Alison Lundergan Grimes





Personnel Action Notification

Adrienne Gilbert



Employee ID



Personnel ID: 00349750

Agency Code: 31085

Cabinet: General Government Cabinet

Agency: Lieutenant Governor

Division: Chief Assistant

Dear Adrienne Gilbert,

Upon the recommendation of your appointing authority, on December 15, 2015 the Personnel Cabinet processed the following action(s) in KHRIS:

<u>Start Date</u>	<u>Action Type</u>
December 15, 2015	Z1 Appointment - 01 Appointment

FROM		TO	
Job Id:	00000000	Job Id:	20000181
Job Title:		Job Title:	Administrative Assistant
Pos Id:	00000000	Pos Id:	30007256
Salary:	0.000	Salary:	6,428.58
Org Id:	00000000	Org Id:	10101555
Org Unit:		Org Unit:	Chief Assistant
Pay Grade:		Pay Grade:	00
Work County:		Work County:	037

Remarks: APPOINTMENT

* If any of the above information is incorrect, please contact your agency human resources office.





Matthew G. Bevin
Governor

Commonwealth of Kentucky
Finance and Administration Cabinet
OFFICE OF ADMINISTRATIVE SERVICES
Room 183, Capitol Annex
702 Capital Avenue, Frankfort, KY 40601
(502) 564-0110 / (502) 330-9221 mobile
Facsimile (502) 564-4279
Troy.Robinson@ky.gov

William M. Landrum III
Secretary

Troy Robinson
Executive Director

May 30, 2019

Adrienne Elise Southworth
112 Poplar Drive
Lawrenceburg, KY 40342-1038

Personnel Number: 349750

Dear Ms. Southworth;

Please be advised that effective close of business today, May 30, 2019, your services as an Administrative Assistant within the Lieutenant Governor's Office are no longer needed.

This action is being taken without cause; therefore, you do not have the right to appeal this action to the Kentucky Personnel Board. However, KRS 18A.095 provides that you may file a claim of discrimination with the Kentucky Personnel Board if you believe the action was based on unlawful discrimination. In accordance with KRS 18A.095, any claim of discrimination must be filed within thirty (30) days, excluding the date notification is sent. Such appeal must be filed in writing using the attached appeal form and in the manner prescribed on the form.

You will receive separate notice of your rights with respect to maintaining insurance coverage.

Respectfully,

Troy Robinson
Appointing Authority

Attachment: Appeal Form

C: Thomas Stephens, Secretary, Personnel Cabinet
Personnel File



From: Hampton, Jenean (Gov Office)
Sent: Monday, June 3, 2019 7:15:25 AM
To: Stephens, Thomas (PERS) <ThomasB.Stephens@ky.gov>
Subject: Re: Adrienne Southworth

Secretary Stephens -

You and I both know Mr. Robinson is an administrator who does not make a move without direction.

Ms. Southworth will continue to assist me as Deputy Chief. She will track her time manually until she is officially reinstated, so Personnel can process her pay retroactive to May 31, 2019.

Jenean M. Hampton
Lieutenant Governor
Commonwealth of Kentucky

Jenean M. Hampton
Lieutenant Governor
Commonwealth of Kentucky

From: Stephens, Thomas (PERS)
Sent: Friday, May 31, 2019 3:45:32 PM
To: Hampton, Jenean (Gov Office)
Subject: Re: Adrienne Southworth

Dear Lt. Gov. Hampton,
Thank you for your email. I am aware that Adrienne Southworth, Administrative Assistant in the Office of the Governor, was notified yesterday that her services were no longer needed. As a non-merit employee, Ms. Southworth could be terminated at will. Under Kentucky law, it is well settled that an unclassified, governor-appointed employee can be terminated for any reason, so long as that reason is not contrary to some other law. Here, no other law precluded her termination. Finally, it is my understanding that the letter authorizing Ms. Southworth's termination was signed by Mr. Troy Robinson. Mr. Robinson, as the appointing authority for the Office of the Governor, possessed the requisite authority to issue the letter.
Sincerely,
Tom

Thomas B. Stephens
Secretary Kentucky Personnel Cabinet

From: Hampton, Jenean (Gov Office)
Sent: Thursday, May 30, 2019 6:35:55 PM



To: Stephens, Thomas (PERS)
Subject: Adrienne Southworth

Secretary Stephens -

While I was out of the office today I heard that Adrienne Southworth, my Deputy Chief of Staff, was let go. NO ONE has authority to terminate employment of my staffers without my permission, and certainly not without the courtesy of discussing her performance with me. She has been a stellar Deputy.

If she has indeed been dismissed, I request that you reinstate her immediately, effective time and date she was removed.

In the future, I highly recommend you do not execute any personnel actions involving my staff without speaking to me first.

Thank you.

Jenean M. Hampton
Lieutenant Governor
Commonwealth of Kentucky



COPY

COMMONWEALTH OF KENTUCKY
OFFICE OF THE LIEUTENANT GOVERNOR

MATTHEW G. BEVIN
GOVERNOR

700 CAPITOL AVENUE
SUITE 142
FRANKFORT, KY 40601
(502) 564-2611
Fax: (502) 564-2849

JENEAN M. HAMPTON
LIEUTENANT GOVERNOR

May 31, 2019

Troy Robinson
Office of Administrative Services
Room 183, Capitol Annex
702 Capital Avenue
Frankfort, KY 40601

RE: Your letter to Ms. Adrienne Elise Southworth dtd May 30, 2019
Personnel Number 349750

Mr. Robinson -

I am writing to negate your May 30th letter to Adrienne Southworth, my Deputy Chief of Staff and Acting Chief of Staff. I did not advise or authorize you to terminate employment of Ms. Southworth. I was not consulted in this action, and I fail to understand how my staff can be terminated without discussing matters with me, their immediate supervisor. Neither you nor anyone other than myself is positioned to determine if the services of my staffers are needed or not.

In the future, you are not to execute any personnel action involving my staff unless you have my express, written permission.

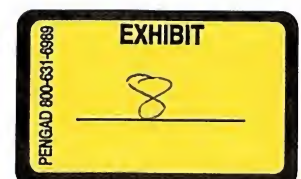
I am hereby directing you to reinstate Ms. Southworth immediately, effective May 31, 2019.

I also direct you to provide to me, in writing, details of the order that initiated her termination. You have until close of business Monday, June 3, 2019 to provide this information.

Respectfully,

Jenean M. Hampton
Lieutenant Governor
Commonwealth of Kentucky

cc: Adrienne E. Southworth
Thomas Stephens, Secretary, Personnel Cabinet
Personnel File
William M. Landrum III, Secretary, Finance and Administrative Cabinet



From: Hampton, Jenean (Gov Office) <Jenean.Hampton@ky.gov>
Sent: Wednesday, June 5, 2019 07:56
To: Robinson, Troy (Finance OAS)
Cc: LeMaster, Ruth (Gov Office); Stephens, Thomas (PERS)
Subject: Requests

Troy –

I have not yet received your response to my May 31st letter. I am requesting again details of the personnel action that terminated Adrienne Southworth's employment. Include the name of the person or persons who initiated the termination.

I am also requesting the form(s) needed to begin the hiring process. Please provide those to Ruth LeMaster ASAP.

Thank you.

Jenean M. Hampton
Lieutenant Governor
Commonwealth of Kentucky



From: Hampton, Jenean (Gov Office)
Sent: Monday, July 1, 2019 7:57:02 AM
To: Robinson, Troy (Finance OAS) <Troy.Robinson@ky.gov>
Cc: LeMaster, Ruth (Gov Office) <Ruth.LeMaster@ky.gov>; Stephens, Thomas (PERS) <ThomasB.Stephens@ky.gov>
Subject: Followup - Adrienne Southworth

Mr. Robinson -

I have not yet received your responses to my earlier written request.

I request you provide me details of the personnel action that terminated employment of my Deputy Chief of Staff Adrienne Southworth.

I request you reinstate Adrienne Southworth retroactive to the date she was terminated, with the same salary and benefits she had at that time. Advise Ruth LeMaster of any necessary procedures and forms.

I remind you again that no one except me has hire and fire authority over personnel who work directly for me.

Please respond by Monday, July 8th.

Jenean M. Hampton
Lieutenant Governor
Commonwealth of Kentucky





PERSONNEL CABINET SIGNATURE AUTHORIZATION FORM

Approval is hereby given for:

Troy Robinson

Printed Name of Authorized Employee

Executive Director

Authorized Employee's Job Title

Signature of Authorized Employee

198003

Authorized Employee's Personnel Number (Pernr)

Office of Administrative Services

Authorized Employee's Cost Center

To sign the following actions (checked):

- ☒ Sign/Approve Position-Personnel Action Requests through forms and/or KHRIS workflow
- ☒ Sign Requests for Register Certification.
- ☒ Sign Payroll Documents
- ☒ Sign Notices of Separations (Layoffs)
- ☒ Sign Notices of Separations (Dismissals), Suspensions, or Disciplinary Fines
- ☒ Authorized to Represent the Appointing Authority at Personnel Board Hearings
- ☒ Authorized to Sign Notices of Separations (Resignations) per 101 KAR 2:102, Section 10(3)

For the following org units (separate multiple units with commas- If authorized to sign for an entire department, please list Cost Center only):

31-070 (10101475), 31-076 (10101552), 31-085 (10101554), 31-089 (10101556), 31-094 (10101557), 31-097 (10101789), 31-099 (10101790), 31-110 (10101791), 31-137 (10200534) 31-345 (10101899), 31-354 (10101900), 31-400 (10101909), 31-765 (10101911), 39 (10102499), 39-075 (10102500), 39-079 (10102532), 39-084 (10102575), 39-103 (10102576), 39-130 (10102697), 39-750 (10102841), 39-758 (10102874), 39-759 (10102889), 39-785 (10102894), 39-931 to 39-952 (10102931 to 10102952), 39-961 (10200057), 39-962 (10200058)

Matthew G. Bevin

Printed Name of Cabinet/Agency Head

Signature of Cabinet/Agency Head

December 8, 2015

Date

*The name that will be printed on the signature line of all Personnel Action Notifications (PANs) will be the agency head or cabinet head, unless otherwise requested by the appointing authority.

PLEASE RETURN COMPLETE FORM TO:

Personnel Cabinet
Division of Employee Management

